



ILLINOIS COMMERCE COMMISSION

July 22, 2003

The Burlington Northern and Santa Fe Railway Company,
Petitioner,

v.

State of Illinois, Department of Transportation, City of Aurora, Illinois,
and Aurora Township, Illinois,
Respondents.

T03-0072

Petition seeking an order from the Illinois Commerce Commission
authorizing permanent closure and removal of the grade crossing located
at the intersection of McClure Road, in the City of Aurora, Kane County,
Illinois and the trackage of The Burlington Northern and Santa Fe Railway
Company at Milepost 35.2, DOT No. 079 554A.

Mr. Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
118 S. Clinton St., Ste. 700
Chicago, IL 60661

Dear Mr. Sazdanoff:

Receipt is acknowledged of the original and four (4) copies of the Petition filed July 21, 2003
in the above matter.

**All future correspondence/pleadings should be filed with an original and three (3)
copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois
Commerce Commission, 527 E. Capitol Avenue, Springfield, IL 62701.**

Processing and Information Section

kl

cc: Mr. Victor A. Modeer, IDOT
Mr. W. Douglas Werner, BNSF
Ms. Cheryl Townlian, BNSF
City of Aurora
Aurora Township

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**THE BURLINGTON NORTHERN and
SANTA FE RAILWAY COMPANY,**

Petitioner,

v.

**STATE OF ILLINOIS, DEPARTMENT
OF TRANSPORTATION, CITY OF AURORA,
ILLINOIS, and AURORA TOWNSHIP, ILLINOIS,**

Respondents.

No. *T03-0072*

**Petition seeking an order from the Illinois
Commerce Commission authorizing
permanent closure and removal of the grade
crossing located at the intersection of McClure
Road, in the City of Aurora, Kane
County, Illinois and the trackage of
The Burlington Northern and Santa Fe
Railway Company at Milepost 35.2,
DOT No. 079 554A.**

RECEIVED
JUL 21 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

PETITION

Now comes petitioner, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates, and for its Petition to the Illinois Commerce Commission states as follows:

1. Petitioner, BNSF is a Delaware corporation authorized to transact business in the State of Illinois and operates a common carrier service by railroad in interstate and intrastate commerce with certain trackage and other facilities located throughout the State of Illinois, including the City of Aurora, Kane County, Illinois.

DOCKETED

2. Respondent, City of Aurora, Kane County, Illinois ("City") is an Illinois municipal corporation.
3. Respondent, Aurora Township, Illinois ("Township") is an Illinois Municipal corporation.
4. McClure Road is a north/south roadway, less than 4,000 feet in length. Where said roadway traverses the trackage of BNSF, said roadway is located within the geographic boundaries of the City and is under the jurisdiction of City.
5. BNSF operates certain railroad trackage extending in a generally east to west direction through City.
6. McClure Road traverses the trackage of BNSF by virtue of an at grade crossing located at milepost 35.2, DOT No. 079 554A. BNSF operates three main line tracks and four additional tracks through the McClure Road at grade crossing location.
7. BNSF recommends and requests that the at grade crossing at McClure Road and the tracks of BNSF, milepost 35.2, DOT No. 079 554A be permanently closed, the at grade crossing and warning devices removed and the roadway barricaded as the public convenience and necessity no longer require the existence of the aforesaid at grade crossing and public safety would be enhanced with the closure of the aforesaid at grade crossing.

Wherefore, Petitioner, The Burlington Northern and Santa Fe Railway Company requests the Illinois Commerce Commission set the aforesaid matter for hearing and enter an order abolishing and permanently closing the at grade crossing located at the

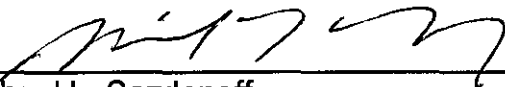
intersection of McClure Road and the trackage of BNSF at milepost 35.2, DOT No. 079 554A and such other relief as the Illinois Commerce Commission deems just and appropriate.

THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY

By: 

Title: Manager of Public Projects

KENNETH J. WYSOGLAD & ASSOCIATES



Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Petitioner
The Burlington Northern and Santa Fe Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333


STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

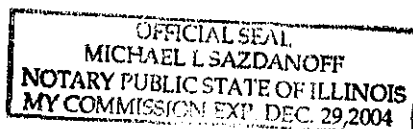
Cheryl Townlian, being first duly sworn deposes and states that she is Manager, Public Projects for The Burlington Northern and Santa Fe Railway Company, Petitioner herein. That she is duly authorized by said railroad company to sign, verify and file the foregoing Petition and that the matters set forth in said Petition are true and correct to the best of her knowledge, information and belief.



Subscribed and sworn to
before me this 6th day of
JUNE, 2003



Notary Public



PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 17 day of JULY, 2003, he caused to be served, a true and correct copy of **PETITION** upon:

Mr. Henry Humphries
Railroad Section
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

Mr. James L. Easterly
Director, Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Pkwy, Suite 300
Springfield, IL 62764

Mr. James R. Murphy AND 80 N. Broadway
Township Supervisor Aurora, Illinois 60507
Aurora Township
P.O. Box 2847
Aurora, Illinois 60507

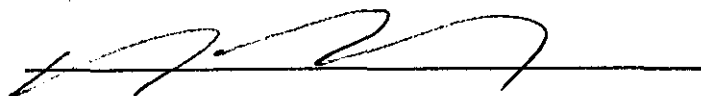
J.S. Peters AND 80 N. Broadway
Clerk, Aurora Township Aurora, Illinois 60507
P.O. Box 2847
Aurora, Illinois 60507

Mr. Fred Burgess AND 220 N. Butterfield Road
Aurora Township North Aurora, Illinois 60542
Highway Commissioner
535 Hinman Street
Aurora, Illinois 60505

Mayor
City of Aurora
44 East Downer Place
Aurora, Illinois 60507

Clerk
City of Aurora
44 E. Downer Place
Aurora, Illinois 60507

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets,
Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

A handwritten signature in black ink, appearing to be "J. Sazdanoff", written over a horizontal line.